

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1319244-0

Total Deleted Page(s) = 9

Page 3 ~ Duplicate;

Page 4 ~ Duplicate;

Page 5 ~ Duplicate;

Page 6 ~ Duplicate;

Page 16 ~ Duplicate;

Page 17 ~ Duplicate;

Page 18 ~ Duplicate;

Page 23 ~ Referral/Direct - 259-HQ-764 Serial 4/NCIS;

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Memorandum



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 Telephone Rm. _____
 Director's Sec'y _____

AMM
LAB
GLS
LAB

To : *Mr. A. H. McCaught*
 Assistant Director
 Records Management Division (RMD)

From : *Mr. G. L. Hoops*
 Section Chief
 Operations Section, RMD

Subject : *BERNARD FENSTERWALD JR.*
 SECURITY CLEARANCE INVESTIGATION PROGRAM
 SPECIAL PROGRAMS - FREEDOM OF INFORMATION, REQUEST
 FOR HISTORICAL ACCESS.

Date *6/21/88*

encl 1

PURPOSE: To initiate the captioned background investigation.

RECOMMENDATION: That a file for the captioned matter be opened.
 There is an existing 77-*44206* file opened on the captioned individual.
 Records Section, please handle accordingly.

APPROVED:

Director _____	Adm. Servs. _____	Laboratory _____
Exec. AD-Adm. _____	Crim. Inv. _____	Legal Coun. _____
Exec. AD-Inv. _____	Ident. _____	Off. of Cong. & Public Affs. _____
Exec. AD-LES _____	Inspection _____	Rec. Mgnt. <i>GLS</i>
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DETAILS: A request has been received from the *DOS* Division that a security clearance be granted for the above individual in connection with the captioned program. In keeping with this request, a background investigation will be initiated and coordinated by a representative of the Industrial Security and Clearance Investigations Unit, Operations Section, Records Management Division. It is therefore recommended that a new file be opened.

Enclosure

259-

1 - Industrial Security and Clearance Investigations Unit (Attn: , Room 4252)

EFW: (2)

1- ENCLOSURE

BE-44

13585
N 259-764-1

13 JUN 1988

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE *8/8/94* BY *5668 SLD/dmj*

SECURITY CLEARANCE

pmB
JUN 22 1988

Mr. D. Jerry Rubino
Department Security Officer
Department of Justice (DOJ)
(Attn: [redacted])

3/15/88

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Gary L. Stoops, Security Programs Manager (SPM)
Federal Bureau of Investigation (FBI)

BERNARD FENSTERWALD, JR.
SECURITY CLEARANCE INVESTIGATIONS PROGRAM
SPECIAL PROGRAMS
FREEDOM OF INFORMATION REQUEST FOR HISTORICAL ACCESS

ACTION MEMORANDUM

Reference FBI memoranda to DOJ dated 11/9/84 and 12/14/84, and telephone conversation between [redacted] of your staff and [redacted], Freedom of Information and Privacy Act Section, Records Management Division (RMD), FBIHQ, 12/17/87.

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In accordance with Department Order 2620.6, entitled "Procedures for Requesting a Department of Justice Security Clearance for Non-Contractor Personnel Outside the Executive Branch" a "Top Secret" security clearance is being requested for the below listed individual:

BERNARD FENSTERWALD
DPOB: August 2, 1921
Nashville, Tennessee
SSAN: 414-22-1934
BUSINESS ADDRESS:
Fensterwald Associates
Arlington, Virginia

On May 16, 1985, BERNARD FENSTERWALD, JR., as an "historical researcher," made a specific request to the FBI to examine certain file(s) from the FBI's list of JFK assassination files, which involves National Security Information (NSI).

259A - Bernard Fensterwald, Jr.

259-7642 XL

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APR 2 1990

1 - Mr. Moschella
Exec AD Adm. 1 - [redacted]
Exec AD Inv. 1 - [redacted]
Exec AD LES 1 - [redacted]
Asst. Dir.:
Adm. Servs. 1 - Mr. Stoops
Crim. Inv. 1 - [redacted]
Ident. 1 - [redacted]
Insp. 1 - [redacted]
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Tech. Servs.
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Telephone Rm.
Director's Sec'y

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DATE 8/8/94 BY 5668 SLD/dmj

SEE NOTE PAGE 2

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MAIL ROOM ☐

Hand-carry to
PWS Suite
3-15-88 by
[signature]

4/1/88

Memorandum from Gary L. Stoops to Mr. D. Jerry Rubino
Re: Bernard Fensterwald, Jr.

BERNARD FENSTERWALD, JR. was the subject of a favorable applicant type background investigation by the FBI in 1984 entitled, "Request for Expedite Background Investigation Regarding Bernard Fensterwald, Jr."

Based on recent telephonic conversation with DOJ, D. Jerry Rubino Department Security Officer, requested that the FBI update FENSTERWALD's 1984 investigation by conducting a name and fingerprint check on him and submit the results and the request for a "Top Secret" security clearance to DOJ, Security Officer, in writing.

The central files of the FBI disclosed that besides FENSTERWALD's 1984 investigation, he was the subject of two other favorable applicant-type investigations by the FBI, one in 1949 entitled, "Bernard Fensterwald, Jr., Departmental Applicant-Anti-Trust Division," and one in 1959 entitled, "Bernard Fensterwald Jr., Special Inquiry - Senate Judiciary Committee."

No other pertinent information was contained in our files.

A review of records, Identification Division, FBI Headquarters was negative regarding BERNARD FENSTERWALD, JR.

DOJ Security Office is requested to furnish the appropriate Security Briefing Package to the SPM, FBI regarding BERNARD FENSTERWALD, JR.

NOTE: Letter to DOJ in response to E. P. Moschella memorandum to Mr. Stoops, dated 1/5/88, captioned "FOI Request of Bernard Fensterwald, Jr., for Historical Access" requesting the Operations Section, RMD to update FENSTERWALD's 1984 investigation and request the issuance of a "Top Secret" security clearance to FENSTERWALD by DOJ.

Memorandum



To : Mr. D. Jerry Rubino
Department Security Officer
Department of Justice (DOJ)
(Attn: [redacted])

Date July 8, 1988

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From : Gary L. Stoops, Security Programs Manager
Federal Bureau of Investigation (FBI)

Subject : BERNARD FENSTERWALD, JR.
SECURITY CLEARANCE INVESTIGATIONS PROGRAM
SPECIAL PROGRAMS
FREEDOM OF INFORMATION REQUEST FOR HISTORICAL ACCESS

INFORMATION MEMORANDUM

Reference DOJ memorandum, dated March 17, 1988,
captioned "Request for a Top Secret Clearance."

Enclosed are the signed DOJ Acknowledgment form and
National Security Information Briefing Acknowledgment form for
Fensterwald.

This completes Bernard Fensterwald, Jr.'s, background
investigation.

When Fensterwald no longer requires access to national
security information, you will be advised.

Enclosures (2)

259-764

1 -

(Attn: [redacted])

MYT:bds (4)
Bds

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259-764-2

ALL INFORMATION CONTAINED
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DATE 8/8/94 BY 5668 SLD/dmj

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Public Affs. _____
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Tech. Servs. _____
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Off. Liaison &
Int. Affs. _____
Telephone Rm. _____
Director's Sec'y _____

MAIL ROOM ☐

4/1/88

Memorandum



Subject

Request for a Top Secret Clearance

Date

MAR 17 1988

To

Gary L. Stoops
Security Programs Manager
Federal Bureau of Investigation

From

D. Jerry Rubino
D. Jerry Rubino
Department Security Officer

This responds to your memorandum dated March 15, 1988. A Top Secret security clearance is approved for Bernard Fensterwald, Jr.

This clearance and access approval is limited to that information necessary for the above-mentioned individual to perform the duties of a historical researcher.

detached & sent to field { This clearance is further conditioned upon this individual being briefed for access to National Security Information (NSI), and signing the Briefing Acknowledgment Form. In addition, this individual has signed the acknowledgment letter that he has read and is familiar with the regulation concerning classification, declassification, and safeguarding of NSI as described in 28 CFR Part 17. A copy of the Briefing Acknowledgment Form, the acknowledgment letter and the above-referenced regulation is attached. The original Briefing Acknowledgment Form, and acknowledgment letter should be signed and forwarded to this office.

If you have any questions on this matter, please have a member of your staff call on

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Attachments —

ALL FBI INFORMATION CONTAINED
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DATE 8/8/94 BY 5668 SLB/dmj

4/8/88



MAR 17 1988

Washington, D.C. 20530

Dear Bernard Fensterwald, Jr.:

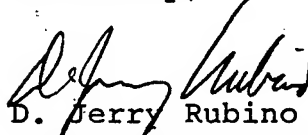
Subject: Access to DOJ Classified
National Security Information

In accordance with 28 CFR Part 17, this office has granted you a Top Secret clearance for access to classified National Security Information and material classified up to and including Top Secret by the Department of Justice (DOJ). This clearance is limited to those documents for which you have a need-to-know.

This clearance is limited to information or material classified by or in the custody of the DOJ and information or material related to the performance of your duties only and is contingent upon your becoming familiar with and your agreement to comply with and adhere to the provisions of the enclosed regulation, when handling classified information.

Accordingly, you are requested to review the enclosed regulation and to sign the certification as set forth below.

Sincerely,


D. Jerry Rubino
Department Security Officer

Enclosure

To: Department Security Officer
Room 6525, Main Justice Building

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HEREIN IS UNCLASSIFIED

DATE 8/8/94 BY 5668 SD/dmj

This is to certify that I will read and will become familiar with the subject regulation. I shall comply with the requirements thereof.

Name: B. Fensterwald Jr. Date: 6/15/88

Note:

Please return this original signed document in its entirety.

4/HCC



Washington, D.C. 20530

NATIONAL SECURITY INFORMATION (NSI) BRIEFING ACKNOWLEDGMENT

I, the undersigned, have received a briefing explaining my obligation to fully protect classified ~~SCI~~^{NSI} and sanctions that may result from unauthorized disclosures.

~~SCI~~^{NSI} ACCESS: Top Secret

DATE BRIEFED: 6/15/88

PRINTED NAME: Bernard Fensterwald, Jr.

SIGNATURE: B. Fensterwald Jr.

SOCIAL SECURITY NO: 414-22-1934

ORGANIZATION: Assassination Archives & Research Center

WITNESS:

ORGANIZATION: FBI

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ALL FBI INFORMATION CONTAINED
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DATE 8/8/94 BY 5668 SLD/dmj

4/1/88

Memorandum



Exec AD Adm. _____
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 Adm. Servs. _____
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 Tech. Servs. _____
 Training _____
 Telephone Rm. _____
 Director's Sec'y _____

To : Allen H. McCreight

Date 8/31/88

From : G. L. Stoops

Subject : BERNARD FENSTERWALD, JR.
 ASSASSINATION ARCHIVES AND RESEARCH CENTER (AARC)
 SECURITY AWARENESS BRIEFING

PURPOSE: To advise you MR. BERNARD FENSTERWALD, JR., of the AARC was given a Security Awareness Briefing on 6/15/88 in Room 5641, Records Management Division (RMD), FBIHQ, by Supervisory Special Agent (SSA) [redacted] Security Officer, RMD.

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RECOMMENDATIONS: 1. That MR. BERNARD FENSTERWALD, JR., of the AARC, be debriefed by the RMD Security Officer, when access to National Security Information (NSI) is no longer needed.

APPROVED:

Director _____
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3- ENCLOSURE

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED

DATE 8/8/94 BY 5668 SLD/dmj

Enclosure (3)

- 1 - Mr. McCreight
- 1 - Mr. Moschella
- 1 - Mr. Stoops

1 - [redacted]
 1 - [redacted]
 1 - [redacted]
 1 - [redacted]
 1 - [redacted]
 1 - [redacted]
 1 - [redacted]
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 1 - 259-764

dm (10)

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OCT 24 1988

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(CONTINUED - OVER)

SECURITY UNIT

Memorandum from G. L. Stoops to Mr. McCreight
Re: Bernard Fensterwald, Jr.
Assassination Archives and Research Center (AARC)
Security Awareness Briefing

2. When MR. FENSTERWALD's access is no longer needed, the Unit Chief, Disclosure Unit II, FOIPA Section, RMD, should immediately advise the Security Officer, RMD, to ensure he is debriefed.

APPROVED:

Director _____	Adm. Servs. _____	Off. of Cong. & Public Affs. _____
Exec. AD-Adm. _____	Crim. Inv. _____	Off. of Lia. & Intl. Affs. _____
Exec. AD-Inv. _____	Ident. _____	Rec. Mgmt. <i>AMT</i>
Exec. AD-LES _____	Inspection _____	Tech Servs. _____
	Intell. _____	Training _____
	Laboratory _____	
	Legal Coun. _____	

efu.

DETAILS: On 6/15/88, MR. BERNARD FENSTERWALD, JR., of the AARC, 918 F Street, Northwest, Washington, D. C. 20035, was given a Security Awareness Briefing by SSA [] Security Officer, RMD. Also present at this briefing were SSA [], Industrial Security and Clearance Investigations Unit, RMD, and [] Miscellaneous Documents Examiner, Freedom of Information and Privacy Acts (FOIPA) Section, RMD.

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MR. FENSTERWALD was advised of his obligation not to disclose NSI, to unauthorized individuals, i.e., family members, friends, working associates, and officials who do not have the appropriate clearance and a specific "need-to-know." He was advised any unauthorized disclosure could result in the loss of his clearance(s) and possible criminal sanctions taken against him. Also, MR. FENSTERWALD was advised not to disclose any sensitive or classified information after completion of his project.

SSA [] advised MR. FENSTERWALD any publication which will involve or possibly contain sensitive or classified information must be submitted to the FBI for prepublication review. MR. FENSTERWALD was advised all documents and working papers are to be stored in a Class 5, General Services Administration-approved container at the end of each working day. He was instructed not to remove any notes or papers from the designated work space without prior review by the Document Classification Unit and Disclosure Unit II, RMD.

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Memorandum from G. L. Stoops to Mr. McCreight
Re: Bernard Fensterwald, Jr.
Assassination Archives and Research Center (AARC)
Security Awareness Briefing

Proper handling of the SACS badge was discussed with MR. FENSTERWALD, as well as what procedures to follow should his SACS badge be misplaced, lost, or forgotten.

MR. FENSTERWALD was shown the Information Security Oversight Office video tape dealing with the safeguarding of NSI. He also signed an NSI briefing acknowledgement witnessed by SSA

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Attached are Department of Justice communications requesting MR. FENSTERWALD be briefed in view of his access to NSI while performing duties of a historical researcher.

It is recommended the Unit Chief, Disclosure Unit II, FOIPA Section, RMD, immediately advise the Security Officer, RMD, when MR. FENSTERWALD's access to NSI is no longer needed to ensure he is debriefed.

Memorandum



To :

Date 4/4/91

From :

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Subject: BERNARD FENSTERWALD, JR.
ASSASSINATION ARCHIVES AND RESEARCH CENTER (AARC)
SECURITY CLEARANCE

PURPOSE: To advise the Security Programs Unit of the death of Mr. Fensterwald on April 2, 1991.

RECOMMENDATIONS: None. For information only.

DETAILS: In 1988, Mr. Fensterwald was provided a clearance as a historical researcher and was provided a Security Awareness Briefing on 6/15/88.

On 4/3/91, an obituary was contained in the Washington Post advising of the death of Mr. Fensterwald.

Enclosure

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 8/8/94 BY 5668 SLD/dmj

OBITUARIES

Bernard Fensterwald, Lawyer For Watergate Burglar, Dies

By J.Y. Smith
Washington Post Staff Writer

Bernard Fensterwald, 69, a lawyer who directed some highly publicized Senate investigations and later represented James McCord, the Watergate burglar who told a federal judge about the Nixon White House ties to the break-in and wiretapping, died of a heart attack April 2 at Alexandria Hospital.

Mr. Fensterwald, who was stricken at his home in Alexandria, had been in the private practice of law since 1969. He was a senior partner in the firm of Fensterwald & Alcorn, which has offices in Vienna and Arlington.

The son of a prominent family in Nashville, Mr. Fensterwald often attracted controversy. It was suggested from time to time that he had worked for the CIA, and he seemed to relish the air of mystery that this created. He would answer queries about it with vague statements to the effect that there was "no evidence" that he was connected to the agency.

In 1970, he took over the defense of James Earl Ray, the convicted assassin of the Rev. Martin Luther King Jr., and handled his appeals.

A close student of the assassinations of President John F. Kennedy and Robert F. Kennedy, he was an outspoken critic of the Warren Commission's conclusion that there had been no conspiracy in President Kennedy's death. He formed a private Committee to Investigate Assassinations, and at his death he was president of the Assassination Archives and Research Center. The center is a privately funded non-profit organization in Washington that collects material on the King and Kennedy assassinations.

From 1959 to 1968, Mr. Fensterwald held high staff posts on Senate subcommittees on constitutional amendments, antitrust and monopoly and administrative practice and procedure. He directed investigations of price-fixing, the drug industry and finally of allegedly illegal wiretapping of James R. Hoffa, the president of the Teamsters union.

Despite aggressive examination by Mr. Fensterwald, the Hoffa probe failed to prove wiretapping had been used illegally. But it led to new laws restricting electronic surveillance.

It also helped end the political career of Sen. Edward V. Long (D-Mo.), who chaired the committee for which Mr. Fensterwald worked. It was revealed that the senator had split legal fees with one of Hoffa's lawyers, and he failed in his bid for reelection in 1968.

In 1973, Mr. Fensterwald took on the defense of James McCord, the former security chief of President Nixon's 1972 reelection campaign and one of the five persons arrested in the burglary at the Watergate office building in June of that year.

Having been convicted of the break-in, McCord wrote a famous letter to U.S. District Judge John J. Sirica in which he told how White House and campaign officials had advance notice of the burglary and then sought to cover up their roles in it. The letter gave new impetus to efforts to find high-level officials responsible for it and eventually led to Nixon's resignation.

Mr. Fensterwald was a graduate of Harvard University and its law school and received a master's degree in international law from the School for Advanced International Studies of Johns Hopkins University. He served in the Navy in the South Pacific in World War II.

He was in Washington briefly after the war and moved here permanently in 1950, when he was named assistant to the legal adviser at the State Department. In 1956, he resigned to work for Sen. Estes Kefauver (D-Tenn.) in his campaign as the Democratic nominee for vice president.

In addition to his law practice, Mr. Fensterwald was the founder and president of U-Store Inc. and Records Management Inc., which are private warehouse and record storage companies in the Washington area.

He was a member of the Alexandria Y and helped found its Y's Men. He also was a member of the Historic Alexandria Resource Commission and the Army Navy Country Club.

His marriage to Elizabeth Fensterwald ended in divorce.

Survivors include his wife, Patricia Fensterwald of Alexandria; a son by his first marriage, Bernard Fensterwald III of Reston; three stepchildren, Patrick Marlette of Sacramento, Calif., David Marlette of Falls Church and Margaret Alice Cox of Taipei, Taiwan; a sister, Ann Eisenstein of Nashville; and six grandchildren.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 8/8/94 BY 5660 SLD/dmj

SEE REVERSE SIDE FOR
ADD. DISSEMINATION

Memorandum



Mr. D. Jerry Rubino
Department Security Officer
To : Department of Justice (DOJ)
(Attn:)

From : Gary L. Stoops
Security Programs Manager
Federal Bureau of Investigation (FBI)

Subject :

Date 6-5-91

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BERNARD FENSTERWALD, JR.
SECURITY CLEARANCE INVESTIGATIONS PROGRAM
SPECIAL PROGRAMS
FREEDOM OF INFORMATION REQUEST FOR HISTORICAL ACCESS

ACTION MEMORANDUM

Reference is made to DOJ memorandum dated 3-17-88, captioned "Request for a Top Secret Clearance" and FBI memorandum dated 7-8-88, captioned as above.

Referenced DOJ memorandum authorized a "Top Secret" security clearance for FENSTERWALD.

For the information of DOJ, on 4-3-91 an obituary was contained in the Washington Post advising of the death of Mr. FENSTERWALD.

The Department Security Officer is requested to delete FENSTERWALD from the FBI access list of those individuals requiring a security clearance.

259-764
RYT:ryt (3)

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DATE 8/8/94 BY 5668 SLD/dmj

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Director's Office	_____

ORIGINAL HAND
CARRIED TO D. O. J. BY *Carlier*

6/8/91 *my*